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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,279	11/08/2001	Santanu Dutta	P15252-US1	5068

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EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,279	Applicant(s) DUTTA ET AL.	
	Examiner Philip B. Tran	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Request for Reconsideration

Notice to Applicant

1. This communication is in response to the amendment filed 11 November 2005.

Claims 1-42 are pending for further examination.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ito, U.S. Pat. Application No. US 2002/0116285 A1.

Regarding claim 1, Ito teaches a method of providing authentication for a network-based transaction, the method comprising presenting a first information set to a user through an Internet access device, the first information set being associated with the transaction, creating a coupling between the first information set and a second information set, wherein the second information set is also associated with the transaction, presenting the second information set to the user and requesting authorization of the transaction at a mobile terminal using public land mobile network (PLMN) radio resources, and receiving authorization information for the transaction from

the mobile terminal using the PLMN radio resources (= performing a purchasing transaction utilizes a mobile station to make a purchase through a mobile network PLMN that has a network accounting server which bills network subscriber charges to the subscriber wherein authorization including the invoice and receipt information are digitally signed for authentication purposes) [see Abstract, Figs. 1 & 3-6, and Paragraphs [0034-0045]].

Regarding claim 2, Ito further teaches the method of claim 1 wherein creating the coupling further comprises sending a wireless application protocol (WAP) push message to the mobile terminal [see Paragraphs [0002] and [0026-0029]].

Regarding claims 3-4, Ito further teaches the authorization information comprises client-side public key infrastructure (PKI) information [see Paragraphs [0038] and [0040-0043]].

Regarding claims 5-6, Ito further teaches the method of claim 1 wherein the authorization information comprises a password and a caller line identification (caller ID) for the mobile terminal [see Paragraphs [00500053]].

Claim 7 is rejected under the same rationale set forth above to claim 1.

Claim 8 is rejected under the same rationale set forth above to claim 2.

Regarding claim 9, Ito further teaches the method of claim 8 wherein the WAP push message comprises a hyperlink to the second information set [see Paragraph [0042]].

Regarding claim 10, Ito further teaches the method of claim 9 wherein the first information set is formatted in hypertext markup language (HTML) and the second information set is formatted in wireless markup language (WML) [see Paragraph [0002]].

Regarding claim 11, Ito further teaches the method of claim 10 wherein the second information set is further formatted to be signed by a user using a WAP signText script [see Paragraphs [0033] and [00380041]].

Regarding claims 12-15, Ito further teaches the authentication information comprises client-side public key infrastructure (PKI) information [see Paragraphs [0038] and [0040-0043]].

Claims 16-18 are rejected under the same rationale set forth above to claim 1.

Claim 19 is rejected under the same rationale set forth above to claim 2.

Claims 20-22 are rejected under the same rationale set forth above to claims 9-11, respectively.

Claims 23-26 are rejected under the same rationale set forth above to claims 12-15.

Claim 27 is rejected under the same rationale set forth above to claim 7.

Claims 28-29 are rejected under the same rationale set forth above to claims 8-9, respectively.

Claims 30-32 are rejected under the same rationale set forth above to claims 12-15.

Claim 33 is rejected under the same rationale set forth above to claim 27.

Regarding claim 34, Ito further teaches the system of claim 33 wherein the WML server and the HTML server operate on a single computing platform [see Paragraph [0002]].

Regarding claim 35, Ito further teaches the system of claim 33 wherein the network connection is an Internet connection [see Fig. 1].

Regarding claims 36-38, Ito further teaches the coupling is created at least in part by sending a wireless application protocol (WAP) push message to the mobile terminal [see Paragraphs [0002] and [0026-0029]].

Regarding claims 39-42, Ito further teaches the authentication information comprises client-side public key infrastructure (PKI) information [see Paragraphs [0038] and [0040-0043]].

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Ito teaches performing a purchasing transaction utilizes a mobile station to make a purchase through a mobile network PLMN that has a network accounting server which bills network subscriber charges to the subscriber wherein authorization including the invoice and receipt information are digitally signed for authentication purposes [see Abstract, Figs. 1 & 3-6, and Paragraphs [0034-0045]].

Applicant argues that "As an example of the present invention, a user requests to purchase certain items ("transaction") over the Internet using a personal computer connected to a wireline communication network. The user's mobile terminal then receives an authentication request ("second information set") from a particular server handling the requested transaction. The user then approves/authenticates the request over his mobile station. In response to receiving the authentication information from the mobile station over a mobile network, the server then provides the requested transaction to the user over the wireline communication network. By receiving the authentication from the user's trusted mobile station, the server is then able to authenticate and verify the "purchase" or "transaction" that is being requested over the Internet from that particular user' and "The applicant submits that such "dual device"

and "dual network" authentication process is not anticipated or rendered obvious by the Ito reference."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "dual device" and "dual network" authentication process) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that the described dual devices comprise the "internet access device" and the "mobile terminal" and the described dual networks comprise the "first communication network" and the "public land mobile network." However, the language of the claim is vague because an "internet access device" and a "mobile terminal" could be the same device. Likewise, a "first communication network" and a "public land mobile network" could be the same network. The claimed language does not teach or disclose two different devices over two different networks. Therefore, "dual device" and "dual network" are not recited in the rejected claim(s), let alone "dual device" and "dual network" authentication process.

Other References Cited

5. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) I'Anson et al, U.S. Pat. Application Pub. No. US 2002/0028671 A1.

B) Brand, European Pat. Application No. EP 0883318 A1.


Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip B. Tran
Primary Examiner
Art Unit 2155
Feb 03, 2006